

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (FM) ECF Case
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This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, 02-CV-6977 (GBD)(FM)

**PLAINTIFFS' MOTION TO VACATE FINAL DAMAGES JUDGMENT AS TO  
PATRICK J. MULLAN ONLY**

For the reasons set forth below and in the declaration of James P. Kreindler (“Kreindler Declaration”), attached hereto, the *Ashton* plaintiffs, by and through counsel Kreindler & Kreindler LLP, respectfully move this Court to amend its August 15, 2019 Order (ECF 4880) and vacate the final judgment of solatium damages award for Patrick J. Mullan (ECF 4880 at 32, line 25) pursuant to Fed.R.Civ.P. 60.

On July 31, 2019, the *Ashton XII* Plaintiffs moved this Court for final damages judgments against the Islamic Republic of Iran (“Iran”). *See* ECF 4717. Among that group of claimants was Patrick J. Mullan, who was included in the group of claimants set forth in Exhibit B to the July 31, 2019 motion papers. *See* ECF 4717-2 at 1, line 25. Mr. Mullan had joined the *Ashton* plaintiffs represented by Kreindler & Kreindler LLP on or around September 4, 2002. Since then, his contact with counsel had been infrequent.

Prior to filing a motion for final damages judgment for the *Ashton XII* Plaintiffs, counsel for the *Ashton XII* Plaintiffs provided counsel for other plaintiffs the documents identifying all individuals who would be included with the *Ashton XII* group. After receiving confirmation from those attorneys that there were no overlapping individuals, counsel for the *Ashton XII* Plaintiffs filed the motion for final damages judgment against Iran for all of those individuals listed in

Exhibits A and B to those motion papers. *See* ECF 4717-1 and 4717-2. Despite this, on August 12, 2019, we learned that a Patrick J. Mullan had been included with another group of plaintiffs who had applied to this Court for final damages judgment against Iran. After spending the necessary time to determine that the two individuals were one and the same, counsel now moves this Court to grant the order attached to the Kreindler Declaration, which would vacate the order awarding final damages judgment to Patrick J. Mullan only and would adopt the modified Exhibit B to the Kreindler Declaration, which removes Patrick J. Mullan from that group of claimants receiving final damages judgments against Iran, and would otherwise leave the Order granted on August 15, 2019 (ECF 4880) intact as to all other *Ashton XII* Plaintiffs.

For the foregoing reasons, Plaintiffs respectfully ask that this Court grant the proposed Order attached to the Kreindler Declaration, adopt the modified Exhibit B attached to the Kreindler Declaration, vacate the damages judgment awarded to Patrick J. Mullan only and otherwise leave the Order docketed at ECF 4880 in force.

Dated: New York, New York  
August 17, 2019

Respectfully submitted,  
KREINDLER & KREINDLER LLP

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